

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SUSANNA MIRKIN, Individually and on  
Behalf of All Others Similarly Situated

Plaintiff,

v.

XOOM ENERGY, LLC and XOOM  
ENERGY NEW YORK, LLC,

Defendants.

Case No.: 18 Civ. 2949 (ARR) (JAM)

**DECLARATION OF ETHAN D. ROMAN IN SUPPORT OF  
PLAINTIFF SUSANNA MIRKIN AND THE CERTIFIED CLASS'S  
MOTIONS IN LIMINE**

Ethan D. Roman, an attorney duly admitted to practice before the Eastern District of New York, declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My firm, Wittels McInturff Palikovic, is Class Counsel for Plaintiff Susanna Mirkin and the Class. Based on my active participation in all material aspects of the prosecution of this class action against Defendants XOOM Energy, LLC and XOOM Energy New York, LLC (together, "Defendants" or "XOOM"), I have personal knowledge of the matters set forth herein.

2. I make this Declaration in Support of Plaintiff Susanna Mirkin and the Certified Class's Motions *in Limine* and to authenticate the attached exhibits referenced in the accompanying motion.

**I. Authenticating Documents**

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition of XOOM's Rule 30(b)(6) corporate witness, Director of Pricing and Structuring Jason

Loehde, dated July 28, 2022, pp. 1, 20, 83, 126–27, 134–35, 190–91, 207–08, 210–11, 288–89, 295.

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition of Defendants’ Expert David Coleman, dated November 16, 2022, pp. 1, 38, 54–55, 66, 111.

5. Attached hereto as **Exhibit C** is a true and correct copy of a document family designated by Defendants as DX1383. The document family bears Bates numbers XOOM\_MIRKIN\_064176–XOOM\_MIRKIN\_064199.

6. Attached hereto as **Exhibit D** is a true and correct copy of a document family designated by Defendants as DX781. The document family bears Bates numbers XOOM\_MIRKIN\_009218–XOOM\_MIRKIN\_009219.

7. Attached hereto as **Exhibit E** is a true and correct copy of the Amended Expert Report of Plaintiff’s Expert Seabron Adamson, dated May 10, 2024.

Dated: New York, New York  
May 20, 2024

Respectfully submitted,

/s/ Ethan D. Roman  
Ethan D. Roman

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2024, the foregoing was served via email on all counsel of record.

By: /s/ Ethan D. Roman  
Ethan D. Roman